IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1806 OF 2007

Sau.Kalabai Namdeo Ghaiwate & Ors. ...Petitioners
V/s.
Smt.Manubai Ananda Salve & Ors. ...Respondents

Mr.G.M. Agarwal for the Petitoners.
None for the Respondents.

CORAM : V.M. KANADE, J.

DATED : JULY 4, 2007

P.C. :-

1. Heard the learned Counsel for the petitioner.

2. The petitioner is challenging the order passed by the 3rd Additional District Judge whereby the civil application filed by the respondent for condonation of delay in filing the appeal was allowed.

3. The learned Counsel for the petitioner submits that the lower Appellate Court has erred in condoning the delay particularly when the appeal was filed against the order passed by the trial Court wherein the respondents had failed to file the written statement and the order was passed against the respondents.

4. The submission made by the learned Counsel for the petitioner cannot be accepted. The Court while considering the cause shown by respondent has condoned the delay in filing the appeal.

. Writ petition is, accordingly, dismissed.

(V.M. KANADE, J.)